

IN RE: PETITION FOR ADMIN. VARIANCE
N/S German Hill Road, 303' E of
the c/l of Branch Road
(118 German Hill Road)
12th Election District
5th Councilmanic District
George W. Harris, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-443-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, George W. and Doris S. Harris. The Petitioners request relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 15 feet in lieu of the required front average of 21.5 feet for a proposed covered porch in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-12/ (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of July, 1993 that the Petition for Administrative Variance requesting relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 15 feet in lieu of the required front average of 21.5 feet for a proposed covered porch, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

July 16, 1993

(410) 887-4386

Mr. & Mrs. George W. Harris
118 German Hill Road
Baltimore, Maryland 21222

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S German Hill Road, 303' E of the c/l of Branch Road
(118 German Hill Road)
12th Election District - 5th Councilmanic District
George W. Harris, et ux - Petitioners
Case No. 93-443-A

Dear Mr. and Mrs. Harris:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 118 GERMAN HILL RD
which is presently zoned DR-55

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) SEC. 303.1 TO PERMIT A FRONT SETBACK OF 15 FT IN LIEU OF REQUIRED FRONT SETBACK OF 21.5 FT

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

REASONS THE ZONING REGULATIONS CANNOT BE MET ON MY PROPERTY:
1. THE SIZE OF THE PORCH WOULD BE TOO SMALL.
2. IT WOULD NOT LOOK PRACTICABLE WITH A SMALL PORCH AND WOULD NOT BEAUTIFY MY HOME.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lessee
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zipcode
Phone No.
Name Address and phone number of representative to be contacted

Legal Owner(s)
George W. Harris
(Type or Print Name)
Signature
Doris S. Harris
(Type or Print Name)
Signature
118 GERMAN HILL RD
Baltimore, MD 21222
Phone No. 21222

A Public Hearing having been requested and/or held to be required, it is ordered, by the Zoning Commissioner of Baltimore County, this 16 day of July, 1993, that the subject matter of this petition be and is a public hearing, advertised as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reported.

REVIEWED BY: R.T. DATE: 6-17-93
ESTIMATED POSTING DATE: 7-4-93
ITEM # 458

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at: 118 GERMAN HILL RD
BALTIMORE MD 21222
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

1. THE SIZE OF THE PORCH WOULD BE TOO SMALL.
2. IT WOULD NOT LOOK PRACTICABLE WITH A SMALL PORCH AND WOULD NOT BEAUTIFY MY HOME.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

George W. Harris
GEORGE W. HARRIS
Signature
Doris S. Harris
DORIS S. HARRIS
Signature

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 15 day of JUNE, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

George W. Harris DORIS S. HARRIS
Signature

AS WITNESS my hand and Notarial Seal.
6/15/93
Notary Public

My Commission Expires: 9/1/93

Zoning Description

ZONING DESCRIPTION FOR 118 GERMAN HILL RD
(address)
Election District 12 Councilmanic District 7

Beginning at a point on the NORTH side of GERMAN HILL ROAD
(north, south, east or west) which is 50 FT
(street on which property fronts) (number of feet of right-of-way width):

wide at a distance of 303 FT ± EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street EAST BRANCH ROAD
(name of street)

which is 50 FT wide. *Being Lot # 1
(number of feet of right-of-way width)

Block 100, Section # 3 in the subdivision of
GRAY MANOR as recorded in Baltimore County Plat
(name of subdivision)

Book # C.H.R. No. 13, Folio # 66, containing
6350 SQ FT AND DUTY ACRES
(square feet and acres)

ITEM # 458

George W. Harris 6-17-93

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 12th Date of Posting: 6/25/93
Posted for: George W. Harris
Petitioner: George W. Harris
Location of property: 118 (N/S) GERMAN HILL RD, 303' E of BRANCH RD
Location of Sign: Facing road way, on property of Baltimore
Remarks: See map
Posted by: Michelle Date of return: 7/2/93
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	
DATE: <u>6-17-93</u>	ACCOUNT: <u>R-001-6150</u>
AMOUNT: <u>85.00</u>	
RECEIVED FROM: <u>GEORGE HARRIS</u>	
FOR: <u>ADM. VAR</u>	
ITEM # <u>458</u>	
VALIDATION OR SIGNATURE OF CASHIER: <u>85.00</u>	

93-443-A

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

July 2, 1993

(410) 887-3353

Mr. & Mrs. George Harris
118 German Hill Rd.
Baltimore, Md 21222

RE: Item No. 458, Case No. 93-443-A
Petitioner: George W. Harris, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Harris:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 17, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

6-24-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: # 458 (RT)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-3350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 555-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 28, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 420, 435, 441, 443, 444, 445, 446, 447, 448, 457, 458, 459 and 461.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Pat Keller*

PK/JL:lw

435.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Zoning Advisory Committee

DATE: June 28, 1993

FROM: Captain Jerry Pfeiffer

SUBJECT: July 06, 1993 Meeting

#450 No Comments
#451 No Comments
#452 No Comments
#453 No Comments
#454 No Comments
#455 No Comments
#457 No Comments
#458 No Comments
#459 Building shall be in compliance with 1991 Life Safety Code
#460 No Comments
#461 No Comments

RECEIVED
JUL 28 1993
ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JUNE 25, 1993

OFFICE OF CASE NUMBER ASSIGNMENT

TO: GEORGE and DORIS HARRIS
118 GERMAN HILL ROAD
BALTIMORE, MARYLAND 21222

Re: CASE NUMBER: 93-443-A (Item 458)
118 German Hill Road
N/S German Hill Road, 303' +/- E of c/l branch road
12th Election District - 7th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 27, 1993. The closing date (July 12, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commission), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Johnson
Arnold Jablon
Director

458

93-443-A

May 27, 1993

The Harris at 118 German Hill Road are installing an open wood deck to the front of their house and would like you to sign a petition stating that it will be of no conflict to you.

Thank you,

George W. Harris

I, the undersigned, have read the petition and have sign it of my own free will.

NAME	ADDRESS	SIGNATURE
1. <i>Jeffrey W. Long</i>	116 GERMAN HILL RD	<i>Jeffrey W. Long</i>
2. Marvin CASE	114 GERMAN HILL RD	<i>Marvin Case</i>
3. Emily Case	112 GERMAN HILL RD	<i>Emily Case</i>
4. David Marks	110 GERMAN HILL RD	<i>David Marks</i>
5. HAROLD S. HARRIS	108 GERMAN HILL RD	<i>Harold Harris</i>
6. Frank A. Proustowsky	900 German Hill Rd.	
7.		
8.		
9.		
10.		

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: 118 GERMAN HILL RD

Subdivision name: GRAY MANOR

lot book 13, sheet 14, lots 1, sections 2

OWNER: *George W. Harris*

93-443-A

LOCATION INFORMATION

Election District: 12

Councilmanic District: 7

1"=200' scale map: SE 2F

Zoning: D.R. 5.5

Lot size: 6250 square feet

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings:

Zoning Office USE ONLY

reviewed by: ITEM # 458

prepared by: *gwh* Scale of Drawing: 1"=20'

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESILIENCE ZONES

303.1 - In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings at least within 200 feet of the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof; provided that no building shall be required to be set back more than 50 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 10 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therein in the zone regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

A 17 ft.
B 23 ft.
C 23 ft.
D 23 ft.
E 23 ft.
F 23 ft.

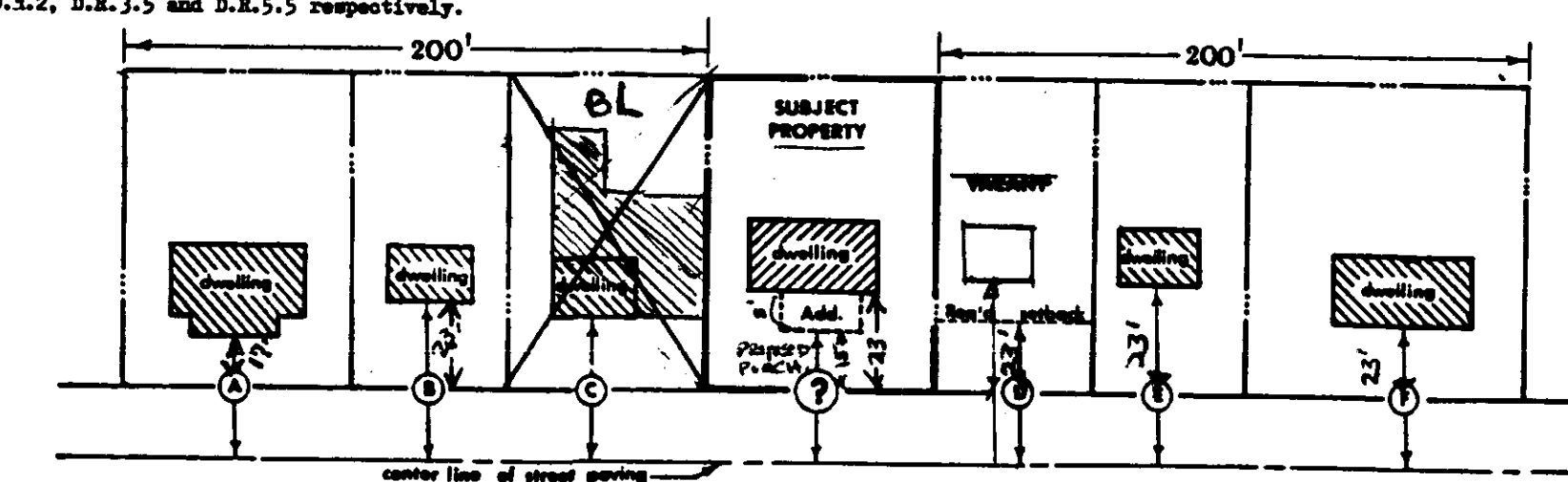
TOTAL (109) + (5) = 21.5

REQUIRED FRONT SETBACK (averaged)

NORMAL REQUIRED SETBACKS

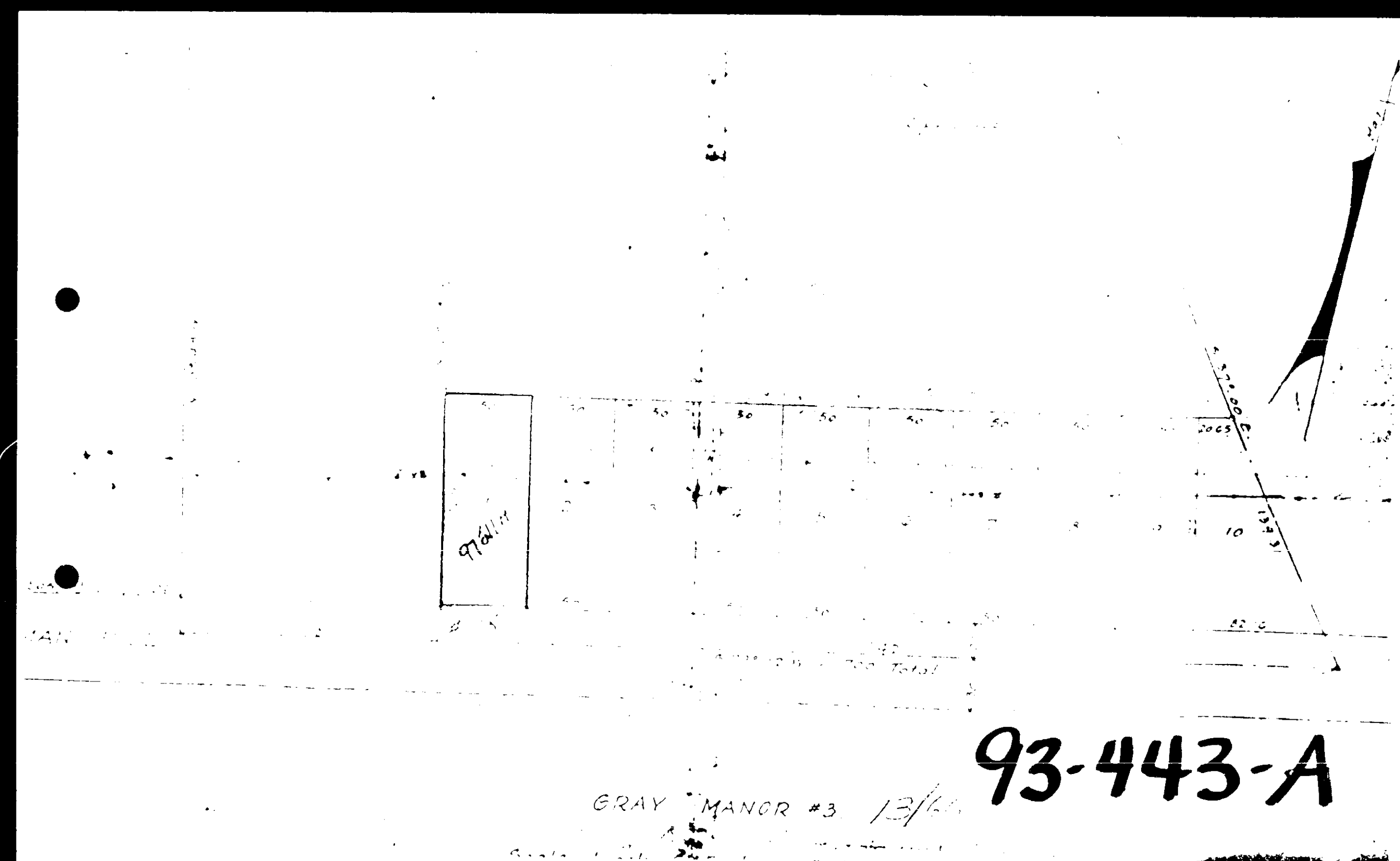
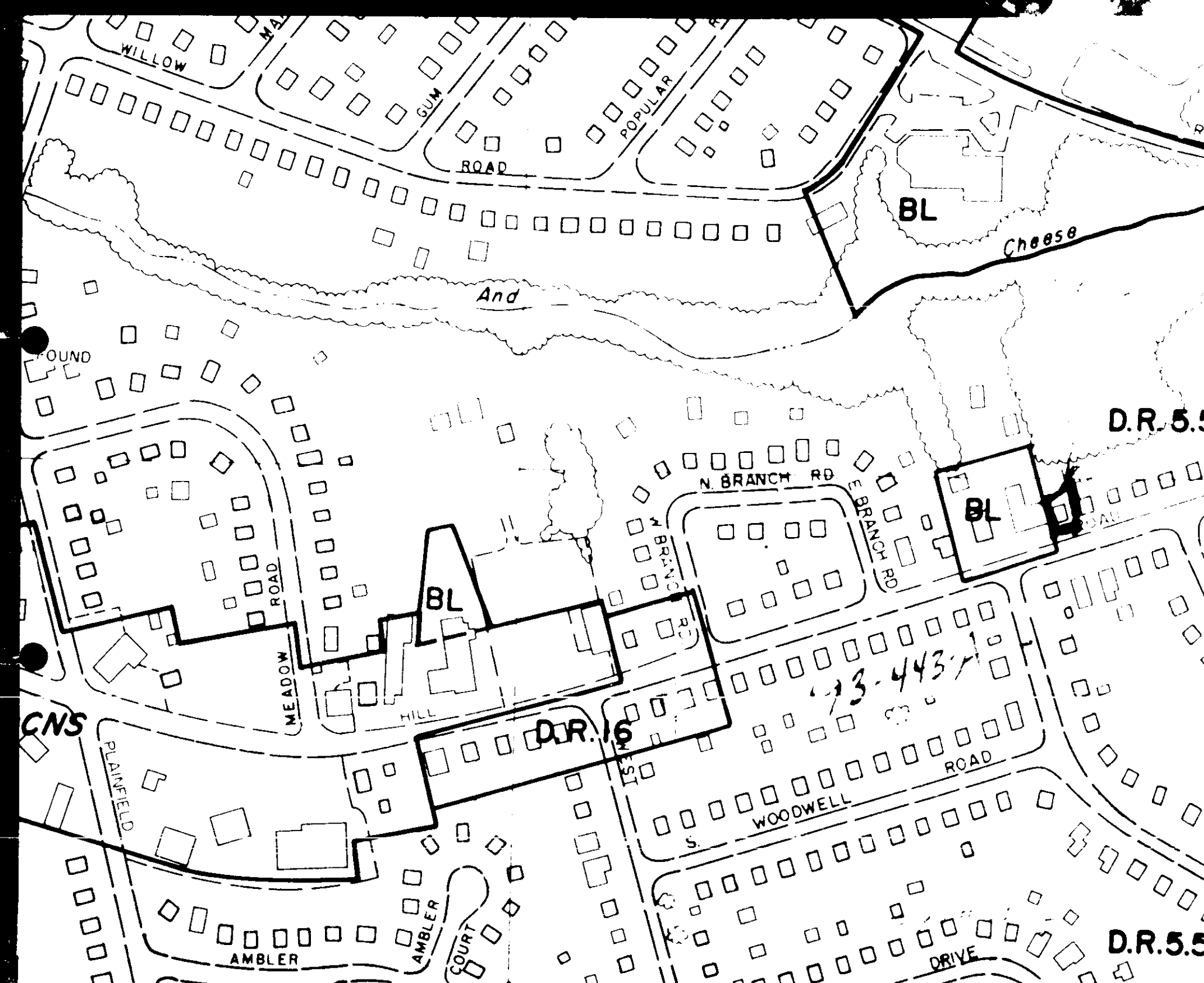
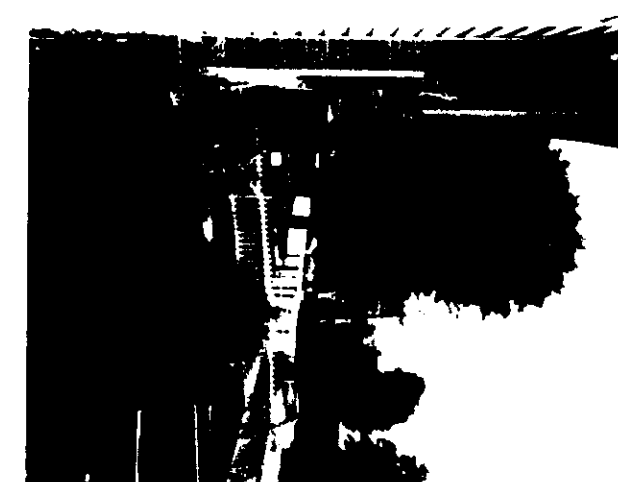
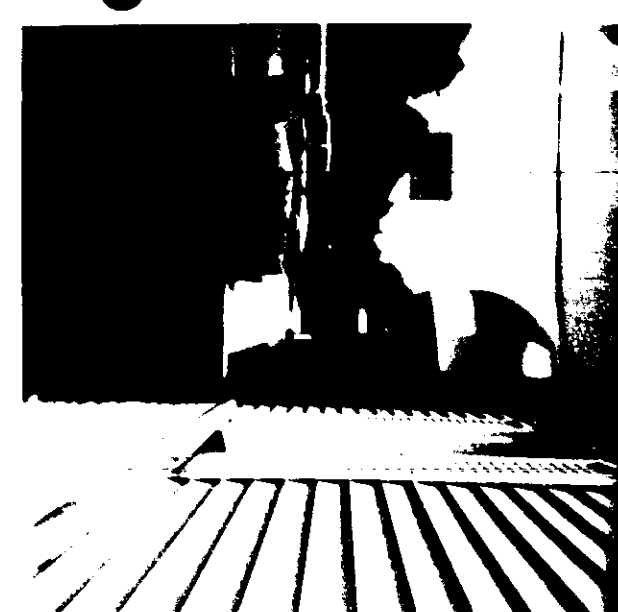
D.R.2 - 55 ft.
D.R.3.5- 55 ft.
D.R.5.5- 50 ft.

George W. Harris
118 GERMAN HILL RD
6-15-93



93-443-A

ITEM # 458



RE COUNTY NING AND ZONING APHIC MAP

SCALE	LOCATION	SHEET
1" = 200'	NORTH POINT	SE
DATE OF PHOTOGRAPHY	GRAY MANOR	2-F
JANUARY 1986		